(47)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.

Writ Petition No.1229 of 2002

Petitioners:

1. Yogeshwar Das S/o Hatoi Das, aged about 35 years, Resident of Kirgi (Dongargarh) District Rajnandgaon (CG)
2. Dr. S.K.Dey (Samiram Kumar Dey) aged about 40 years S/o Sukumar Dey, Resident of At Post Keskal, District Bastar (C.G.)

versus

Respondents:

1. The State of Chhattisgarh, Through the Secretary, Department of health and Family Welfare, Mantralay, D.K.S. Building, Raipur
2. The State of Madhya Pradesh, Through the Secretary Department of Health and Family Welfare Mantralay, Vallabh Bhawan, Bhopal (MP)
3. The M.P. Board of Ayurvedic and Unani System of medicine and Naturopathy, Bhopal (MP) Through the Registrar, Shyamla Hills, Bhopal (MP)
4. The Chhattisgarh Board of Ayurvedic and Unani System of Medicine and Naturopathy, Raipur, Through the Registrar, Raipur

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Present : Shri V.R.Tiwari, counsel for the petitioners.
Shri U.N.S.Deo, Government Advocate for the State of Chhattisgarh/respondent No.1.
None appears for other respondents.

ORAL ORDER

(Passed on 9th March, 2007)

In this petition filed under Articles 226/227 of the Constitution of India, the petitioners seek the following reliefs :

(48)

"(1) To direct the respondents to register the petitioners in the State Register maintained under the Adhiniyam and to hold that the petitioners are entitled to practice as Vaidya under the provisions of the Act;

(2) To grant any other relief which may deem fit in the interest of justice.

(3) That the cost of the petition may also be awarded."

(2) Before approaching this Court, in my opinion, the petitioners ought to have made an appropriate representation before the respondents and should have requested for the reliefs sought for in this petition. If for any reason the said representation is not considered by the respondents within a reasonable time, then only cause of action would arise.

(3) In that view of the matter, I decline to entertain this petition. Accordingly, the writ petition is disposed of. However, liberty is reserved to the petitioners to make an appropriate representation before the fourth respondent within a month's time from today. If such representation is filed by the petitioners within the time granted by this Court, the fourth respondent shall consider the same in accordance with law as expeditiously as possible at any rate within a month's time from the date of receipt of the representation. Ordered accordingly.

(4) Consequently, M.(W.)P.No.490 of 2002 and I.A.No.4042 of 2002 stand disposed of.

Sd/-
Chief Justice